

Case Officer: Richard Greig

Recommendation: Approve

Applicant: Heyford Commercial Development Ltd

Proposal: Variation of Conditions 2 (plans) and 5 (landscape drawing) of 19/02337/F - to regularise the position in respect of the car park serving the hotel which has been formed on land which formed part of the approved landscaping scheme. We are seeking temporary planning permission for the car park for a period of 3 years. We are also seeking to vary the timetable for implementation of a revised landscaping scheme (on drawing number P22-1611_01) within the next planting season.

Expiry Date: 11 October 2022

Extension of Time: 7 April 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site, identified as 'Building 457' (formerly a Sergeant's Mess building – Non-designated Heritage Asset) to RAF Upper Heyford, is situated on the southern side of Camp Road, Upper Heyford, located within the RAF Upper Heyford Conservation Area.
- 1.2. Planning permission was granted under application reference 19/02337/F for the following development: '*Demolition of Building 457 southern facade and gable end walls. Temporary use and associated works to create public open space*', on a development parcel known as Phase 2 of the Heyford Park development.
- 1.3. The site, a broadly rectangular parcel of land, permitted under application reference 19/02337/F as an area of landscaped public open space, now comprises two parts – (1) the principal part being public open space laid to turf with intersecting gravel footway; and, (2) a smaller gravelled surfaced area to the north west, consisting of 47no parking spaces, accessed off Howard Road to the west, with the perimeter of the parking area being enclosed by a low level '*timber knee rail*'.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application, as set out on the applicants completed application form, seeks permission under section 73 (Town and Country Planning Act 1990) to vary Condition no2 (approved plans) to:
'*allow the substitution of approved drawing number D.0371_19 with drawing numbers 001 (Hotel Car Park) and P22-1611_01 (landscaping).*'
and to vary Condition no5 (Landscaping) to
'*allow the implementation of landscape drawing P22-1611_01 as an alternative to the previously approved details on drawing number D.0371_19*'.
- 2.2. The proposals seek to secure a temporary 3 year permission for the car park as referred to under section 1.2 of this report; and, to vary the timetable for the landscaping scheme to the next available planting season.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

Application: Permitted 3 November 2016
16/01000/F

Development of the Village Centre (south) comprising a Hotel and associated facilities (involving the partial demolition and the refurbishment and extension of Building 455 and its change of use); Bar/Brasserie (involving the partial demolition and refurbishment and extension of Building 457) and a Covered Market (canopy link between Buildings 455 and 457) with associated landscaping and car parking.

Application: Permitted 26 April 2018
18/00043/NMA

Non Material Amendment to 16/01000/F - Minor design changes and the introduction of a phased development

Application: Permitted 11 August 2017
17/00091/NMA

Non-Material Amendment to 16/01000/F - Minor design changes to Buildings 455, 457 and canopy link. Change to required timing for submission and approval of revised car parking layout plan (Condition 17).

Application: Permitted 9 September 2022
18/00825/HYBRID

A hybrid planning application, inclusive of 1175 new dwellings.

Application: Permitted 19 June 2020
19/02337/F

Demolition of Building 457 southern facade and gable end walls. Temporary use and associated works to create public open space.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **30 September 2022**, by advertisement in the local newspaper expiring **29 September 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **30 September 2022**.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

6.2. Heyford Park Parish Council (summarised as follows):

- The approved landscaping scheme has not been implemented;
- Application fails to give consideration to approved LEAP (ref: 21/03701/REM);
- In recent years developer has demolished a building without consent;
- Built car park on land approved to provide LEAP;
- Built LEAP on amended site without consent;
- If car parking spaces are needed they should be found elsewhere and for whole community; and,
- If approved, should be for a maximum of 2 years.

The applicant has responded to the Parish Council comments as follows:

'1. The partial demolition of building 457 was consented under permission 16/01000/F. A further planning application was decided on 19/02337/F following a change in the commercial viability of the full scheme since the original consent was obtained.

2. The car park was originally used as a site compound for the adjacent residential development and permission is being sought to use it temporarily as an overflow car park whilst further parking is created. This location is identified under the Hybrid planning permission as an area for Community Uses, which is still our firm intention.

3. The LEAP is currently undergoing construction in accordance with the approved plans under permission 21/03701/REM. Regarding use, the car park is open to all. Confusion may have arisen from a sign, which has now been removed.'

6.3. OCC Highways:

'Planning permission under 19/02337/F is granted for this site to become public open space. As such there is no evidence that the County as local highway authority was consulted on this planning application. It is not clear how this site since become a car park as there does not appear to be any record of an application or a permission for this use. The application documents do not provide any justification for the change of use from public open space to a car park, nor do they demonstrate that the proposed level of parking meets the County's standards. Information regarding the need for this car park, its intended users, and its compatibility with the County's parking standards is required before this application can be considered further.'

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15: The Character of the Built and Historic Environment
- Policy Villages 5: Former RAF Upper Heyford

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23: Retention of features contributing to character or appearance of a conservation area
- C28: Layout, design and external appearance of new development

MID CHERWELL NEIGHBOURHOOD PLAN

- PD3: Development Adjacent to Heyford Park
- PD4: Protection of Important Views and Vistas
- PC1: Local Employment

7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Upper Heyford Conservation Area Appraisal (April 2006)

8. APPRAISAL

- 8.1. Section 73 of the Town and Country Planning Act 1990 makes provision to remove or change a condition(s) to a grant of planning permission by making an application to the local planning authority – as is the case in this instance.
- 8.2. As directed by PPG (Use of Planning Conditions) – *‘In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.’*
- 8.3. The conditions relevant to this submission, as referred to under section 2.1 of this report, are condition no2 (approved plans) and condition no5 (landscaping scheme).
- 8.4. This application now seeks to vary the respective conditions to allow the substitution of the approved *‘Detailed Landscape Proposals’* plan (DWG no D.0371_19) with two plans (i.e. DWG no001 and DWG noP22-1611_01) illustrating the revised landscaping scheme, inclusive of the temporary car park.
- 8.5. It must also be noted that this application presently runs parallel to application reference 20/02561/DISC, which seeks to discharge condition no5 of the parent permission and illustrates the appropriate landscaping scheme, excluding the temporary car park, which would be implemented upon the expiry of any temporary permission for the car park.
- 8.6. In considering the variation of the two conditions, it is important to understand the reasoning for the original conditions.
- 8.7. Condition no2 was imposed to *‘clarify the permission and for the avoidance of doubt’*; and, condition no5 to *‘ensure that a high quality landscape scheme and public open space is provided in the interest of a well planned development and visual amenity’*.
- 8.8. In substituting one of the approved plans to the parent permission, the two revised plans would be listed accordingly on any forthcoming decision notice to *‘clarify the permission and for the avoidance of doubt’* – consistent with the reasoning to the original condition and meeting the requisite tests under para 55 of the NPPF (i.e. necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects).

- 8.9. Turning to condition no5, it is considered reasonable to suggest that the provision of car parking spaces within a site permitted as an area of public open space may diminish the quality of the landscape and its context. However, it is understood that the existing car park meets an ongoing, temporary need for '*additional parking for hotel guests, visitors and users of the adjacent village centre*' (as referenced within the applicants supporting submission) ahead of further community infrastructure, inclusive of car parking, being delivered as part of the wider Heyford Park development.
- 8.10. Having regard to the perceived impact of the revised landscaping scheme and most notably the car parking spaces, there are two core issues to consider – (1) visual amenity; and, (2) highway safety.
- 8.11. As referenced above it is noted that the introduction of vehicular parking is likely to have impacted, to a degree, upon the visual amenities of the area. However, given the minor scale of the car parking facilities and their temporary nature (i.e. 3 years) and the largely open form of its layout, any perceived sense of harm is not considered to be so significant to outweigh the benefits to the community. Moreover, the comprehensive landscaping scheme would be delivered upon the expiry of the temporary 3 year permission.
- 8.12. It is noted that OCC Highways have sought clarity as to the need for the car park, its intended users, and its compatibility with the County's parking standards. In response to which the applicants supporting submission sets out the following:
'the car park was originally used as a site compound for the adjacent residential development and permission is being sought to use it temporarily as an overflow car park whilst further parking is created.';
and,
'Regarding use, the car park is open to all.';
and
'The car park is a flat surface which served by established footways and dropped kerbs, in close proximity to a pedestrian crossing along Camp Road. The car park provides a convenient, accessible facility for all members of the local community.'

The ongoing need and intended community users are therefore acknowledged. Having regard to safety the designated parking spaces (4.8m x 2.4m) accord with minimum standards. Moreover, the car park has operated for a prolonged period – with no reported issues understood to have been raised at the time of writing this report. Given the background to the parking facility and the ongoing community use the perceived impact, if any, is not considered to be so significant so as to be detrimental to highway safety.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The substitution of an approved plan to the parent permission and the implementation of a revised landscaping scheme, inclusive of the existing car parking facility, for a temporary 3 year period to meet an identified short term community need, helping to reduce the presence of on street parking is considered to be consistent with the limitations of the development permitted under the parent permission and is deemed to be acceptable in this specific context, subject to the conditions prescribed below inclusive of the implementation of a comprehensive landscaping scheme, to be secured under application reference 20/02561/DISC.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be retained strictly in accordance with the following approved plans:
 - Hotel Car Park Location Plan (DWG no001A);
 - As Built Landscape Plan (DWG noP22-1611_01); and,
 - Hotel Car Park (DWG no001).

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. Permission for the car park is strictly limited to a time period of 3 years from the date of this decision. Thereafter the landscaping scheme as permitted under application reference 20/02561/DISC shall be implemented in the first available planting season following the expiry of the 3 year period and retained strictly in accordance with the approved plans.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

Case Officer: Richard Greig

DATE: 05 April 2023

Checked By: Andy Bateson

DATE: 5th April 2023
